

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-6 and 8-21 are presently pending. Claims amended herein are 1-6 and 8-14. Claims withdrawn or cancelled herein are Claim 7. New claims added herein are 21.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on January 10, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Bloch. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to agree that independent claim 1 would be patentable over the cited art if amended as discussed during the interview

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-6 and 8-14 herein.

[0011] Furthermore, Applicant adds new claim 21 herein, which is directed towards subject matter from previously canceled claim 7. This new claim is fully supported by Application and therefore does not constitute new matter.

Substantive Matters

Claim Rejections under § 112

[0012] Claims 1-6 and 8 are rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendments presented herein, as well as the decisions/agreements reached during the Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 102

[0013] Claims 1-6 and 8-20 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0014] The Examiner's rejections are based upon the following references alone or in combination:

- **Bloch:** *Bloch, et al.*, US Pub. No. 2003/0195923 A1.

Overview of the Application

[0015] The Application describes a technology for executing a hosted application in either a browser-execution environment or as a standalone application that provides a mechanism that enables hosting code in either of plural hosting environments. Code is created that executes in a common execution environment. That execution environment can be either owned by a browser or not. When the code is launched, a host sniffer component determines from an indicator within the code which hosting environment is appropriate. Based on that indicator, the code is launched in the appropriate hosting environment. The appropriate hosting environment may be either browser hosted or standalone (*Application*, Abstract).

Cited References

[0016] The Examiner cites Bloch as the primary references in the anticipation rejections.

Bloch

[0017] Bloch describes a technology for a server that presents content to a client. The server receives a request for particular content. In response to the request, the server accesses data and/or code that describes the particular content. The server compiles that code and/or data to create executable code, and transmits the executable code to the client for execution on the client. In one embodiment, the code describing the particular content is a mark-up language description. In various implementations, the executable code includes a user interface that provides access to the requested content (*Bloch*, Abstract).

Anticipation Rejections

[0018] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Bloch

[0019] The Examiner rejects claims 1-6 and 8-20 under 35 U.S.C. § 102(e) as being anticipated by Bloch. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, as well as agreements reached during the Examiner interview, Applicant asks the Examiner to withdraw the rejection of these claims.

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 1

[0020] Amended independent claim 1 recites a client device having a computer-readable storage medium having computer-executable components, comprising [emphasis added]:

a **code host mechanism within the client device;**

a body of code **within the client device**, wherein:

in the event that the body of code includes a **function call, the code host mechanism operates to cause the body of code to be hosted in a first hosting environment;**

in the event that the body of code does not include the **function call, then the code host mechanism operates to cause the body of code to be hosted in a second hosting environment.**

[0021] In the rejection to this claim, the Examiner argues that the subject matter of this claim is anticipated by Bloch. Applicant respectfully disagrees. Applicant submits that Bloch fails to disclose or describe all of the features of this claim.

[0022] For example, Bloch states that when there are multiple Presentation Renderers, the requests received by the presentation server will include an indication of the Presentation Renderer so that the system will generate object code specific to that Presentation Renderer (Bloch, ¶ [0094]). However, claim 1 states that "the code host mechanism operates to cause the body of code to be hosted in a first hosting environment" and "the code host mechanism operates to cause the body of code to be hosted in a second hosting environment". This

feature is absent from Bloch. In Bloch, the code is generated based on the type of Presentation Renderer specified by the client in a request to the Presentation Server.

[0023] Furthermore, as stated above, Bloch processes the code in the *Presentation Server* based on characteristics of the requesting Presentation Renderer (Bloch, ¶ [0094]). Claim 1 recites "a code host mechanism *within the client device*....operates to cause the body of code to be hosted in a first hosting environment". Unlike the recitation of claim 1, Bloch discloses that the determination of code hosting occurs in a *Presentation Server*, not in a "*client device*".

[0024] Based on the discussion above, Bloch does not anticipate the elements of this claim, and the Applicant respectfully requests that the Examiner withdraw the rejections to this claim.

Independent Claim 9

[0025] Amended independent claim 9 recites a computer-readable storage medium having computer-executable components, comprising [emphasis added]:

- an executable file within a client device, comprising:
 - a first portion including computer-executable instructions operative for performing operations; and
 - a second portion including **a function call which, when invoked, is operative to cause the executable file to be executed in an alternative hosting environment.**

[0026] In the rejection to this claim, the Examiner argues that the subject matter of this claim is anticipated by Bloch. Applicant respectfully disagrees. Applicant submits that Bloch fails to disclose or describe all of the features of this claim.

[0027] For example, Bloch fails to disclose or describe "an executable file within a client device, comprising:...a second portion including *a function call* which, when invoked, is *operative* to cause the executable file to be executed in an *alternative hosting environment*" as recited in this claim.

[0028] Instead, Bloch states that when there are multiple Presentation Renderers, the requests received by the presentation server will include an indication of the Presentation Renderer so that the system will generate object code specific to that Presentation Renderer (Bloch, ¶ [0094]). In Bloch, the code is generated based on the type of Presentation Renderer specified by the client in a request to the Presentation Server. In Bloch, code is generated for a hosting environment based on the type of request sent by the client to the presentation

server, not based on any "*function call*" that "is operative to cause the executable file to be executed in a default hosting environment".

[0029] Based on the discussion above, Bloch does not anticipate the elements of this claim, and the Applicant respectfully request that the Examiner withdraw the rejections to this claim.

Independent Claim 14

[0030] Amended independent claim 14 recites a computer-executable method of hosting an executable file in a hosting environment, the method comprising [emphasis added]:

receiving, **by a client computing device**, the executable file from a server;

providing a shell environment within the client computing device that is operative to launch the executable file in a default hosting environment common to other executable files; and

providing a function that, if called by the executable file, is operative to cause the executable file to be launched in an alternative hosting environment.

[0031] In the rejection to this claim, the examiner argues that the subject matter of this claim is anticipated by Bloch. Applicant respectfully disagrees. Applicant submits that Bloch fails to disclose or describe all of the features of this claim.

[0032] For example, unlike the recitation of claim 14, Bloch states that when there are multiple Presentation Renderers, the requests received by the

presentation server will include an indication of the Presentation Renderer so that the system will generate object code specific to that Presentation Renderer (Bloch, ¶ [0094]). Therefore, in Bloch, the code is generated by a Presentation Server based on the type of Presentation Renderer specified in a request to the Presentation Server, not by "a client computing device...providing a *function* that, *if called by the executable file*, is operative to cause the executable file to be launched in an *alternative hosting environment*" as recited in this claim.

[0033] Based on the discussion above, Bloch does not anticipate the elements of this claim, and the Applicant respectfully request that the Examiner withdraw the rejections to this claim.

Dependent Claims

[0034] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0035] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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